

REMARKS

Claims 1-29 and 44-66 are pending and were rejected. No claims have been canceled, added, or amended herein. The applicant requests reconsideration of all the rejected claims.

I. Rejection of Claims 1-29 and 42-66 Under 35 U.S.C. §103(a)

Claims 1-29 and 44-66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sprecher (U.S. 6,948,059) in view of Powers (U.S. 2004/0199899).

The applicant traverses this rejection based on 35 U.S.C. §103(c) in that both Powers and the present application are and were under an obligation to be assigned to the Hewlett-Packard Development Company.

With regard to 35 U.S.C. §103(c), Powers otherwise qualifies as a reference under 35 U.S.C. §102(e) because it published in October 7, 2004 and the present application was filed on July 1, 2003. As shown in the records of both the present application and Powers, both applications are assigned to the Hewlett-Packard Development Company upon their filing. Thus, there was an obligation to assign both applications to the same entity.

Based on the foregoing, the rejection under 35 U.S.C. §103(a) is traversed by 35 U.S.C. §103(c) and the applicant requests reconsideration of the rejection.

Respectfully submitted,
KLAAS, LAW, O'MEARA & MALKIN, P.C.

By: /Robert W. Nelson/
Robert W. Nelson
Registration No. 37,898
1999 Broadway, Suite 2225
Denver, CO 80202
(303) 298-9888
Fax: (303) 297-2266

Serial Number: 10/611,558
Docket Number: 200208005-1